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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
September 23, 2025
Part of
Public Record

FD 36884

CWW, LLC
—LEASE AND OPERATION EXEMPTION—
PORT OF WALLA WALLA, WASHINGTON

**VERIFIED NOTICE OF EXEMPTION OF CWW, LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART E**

Stephen J. Foland
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500
sfoland@fletcher-sippel.com

ATTORNEY FOR CWW, LLC

Dated: September 23, 2025

FILED
September 23, 2025
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
September 23, 2025
SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36884

CWW, LLC
—LEASE AND OPERATION EXEMPTION—
IN WALLA WALLA COUNTY, WASH.

**VERIFIED NOTICE OF EXEMPTION OF CWW, LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART E**

CWW, LLC d/b/a Columbia-Walla Walla Railway (“CWW”), a Class III rail carrier, hereby files this verified Notice of Exemption (“Notice”) pursuant to 49 C.F.R. part 1150, subpart E, concerning its lease of and operation as a common carrier over approximately 900 feet of private track (the “Track”) owned by The Port of Walla Walla (the “Port”) in Walla Walla County, Washington. CWW and the Port have entered into a lease and operating agreement (“Agreement”), whereby CWW will operate the Track in common carrier service. The Track lies within Port property along the Columbia River and extends from the clearance point of a main line switch located at milepost 211.81 on the Ayer Subdivision of the Union Pacific Railroad (“UP”) to a point roughly 900 north and east feet from this clearance point.

Pursuant to 49 C.F.R. § 1150.43, CWW provides the following information:

Full Name and Address of Applicant: 49 C.F.R. § 1150.43(a)

CWW, LLC
d/b/a Columbia-Walla Walla Railway
709 North 10th Avenue
Walla Walla, Washington 99362

Applicant's Representative: 49 C.F.R. § 1150.43(b)

Stephen J. Foland
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606
(312) 252-1500
sfoland@fletcher-sippel.com

Statement Concerning Agreement: 49 C.F.R. § 1150.43(c)

CWW and the Port have entered into an Agreement under which CWW will lease and operate the Track as a common carrier. The Agreement will take effect as of the effective date of this Notice.

Operator of the Property: 49 C.F.R. § 1150.43(d)

CWW will be the common carrier service provider on the Track.

Summary of the Transaction: 49 C.F.R. § 1150.43(e)

CWW will lease and operate approximately nine hundred (900) feet of Port-owned railroad track (the Track), extending from the clearance point of a switch located at milepost 211.81 of UP's Ayer Subdivision to a point roughly 900 north and east feet from this clearance point, in Walla Walla County, Washington. The Track does not have mileposts. CWW will consummate the lease transaction

and commence the provision of common carrier service on the Track on or after the anticipated October 23, 2025 effective date of this Notice.

The Port's business address is:

The Port of Walla Walla
310 A Street
Walla Walla, Washington 99362

Map: 49 C.F.R. § 1150.43(f)

A map of the Track is attached as Exhibit A.

Certificate of Eligibility: 49 C.F.R. § 1150.43(g)

Certification of Eligibility is included in the attached Certification and Verification Form.

Interchange Commitments: 49 C.F.R. § 1150.43(h)

There is no clause or provision in the Agreement limiting or prohibiting interchange with any third-party carrier. See also the attached Certification and Verification.

Environmental and Historic Preservation: 49 C.F.R. § 1105

Pursuant to 49 C.F.R. § 1105.6(c)(2), the transaction is exempt from environmental reporting requirements. The transaction will not result in any significant changes in carrier operations, *i.e.*, changes exceeding the thresholds established at 49 C.F.R. §§ 1105.7(e)(4)-(5).

Pursuant to 49 C.F.R. § 105.8(b)(1), CWW's lease of the Track is also exempt from historical preservation reporting requirements. The transaction is for

the sole purpose of serving the Port. There are no plans to alter or dispose of properties subject to Board jurisdiction which are fifty (50) years old or older.

Caption Summary: 49 C.F.R. § 1150.42(a)

A caption summary in the appropriate form is attached hereto as Exhibit B.

Respectfully submitted,

By: /s/Stephen J. Foland

Stephen J. Foland
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500
sfoland@fletcher-sippel.com

ATTORNEY FOR CWW, LLC

Dated: September 23, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36884

CWW, LLC
—LEASE AND OPERATION EXEMPTION—
IN WALLA WALLA COUNTY, WASH.

EXHIBIT A
MAP



BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36884

CWW, LLC
—LEASE AND OPERATION EXEMPTION—
IN WALLA WALLA COUNTY, WASH.

EXHIBIT B
CAPTION SUMMARY

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36884

CWW, LLC
—LEASE AND OPERATION EXEMPTION—
IN WALLA WALLA COUNTY, WASH.

CWW, LLC d/b/a Columbia-Walla Walla Railway, a Class III rail carrier, has filed a verified Notice of Exemption pursuant to 49 C.F.R. part 1150, Subpart E, to lease and operate in common carrier service approximately nine hundred (900) feet of private railroad track (the “Track”) in Walla Walla County, Washington, owned by The Port of Walla Walla. The Track extends from the clearance point of a main line switch located at milepost 211.81 of the Ayer Subdivision of the Union Pacific Railroad to a point roughly 900 north and east feet from this clearance point.

Comments must be filed with the Board and served on: Stephen J. Foland, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, Illinois 60606-3208, (312) 252-1500, sfoland@fletcher-sippel.com.

This Notice has been filed pursuant to 49 C.F.R. § 1150.41. If this Notice contains false or misleading information, the Exemption is void *ab initio*. Petitions to revoke the Exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a Petition to revoke will not stay the transaction automatically.

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—LEASE AND OPERATION EXEMPTION—
IN WALLA WALLA COUNTY, WASH.

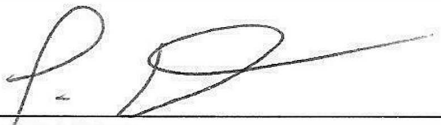
CERTIFICATION AND VERIFICATION

CERTIFICATION AND VERIFICATION

I, Paul Didelius, hereby certify and verify the following under penalty of perjury:

1. I am the owner and President of CWW, LLC d/b/a Columbia Walla Walla Railway ("CWW");
2. I am authorized to execute this certification and verification on behalf of CWW;
3. CWW's annual operating revenue does not and will not as a result of the subject transaction exceed the threshold of a Class I or Class II rail carrier;
4. The transactional agreement governing the proposed transaction contains no clause or provision that may limit or prohibit interchange with any third-party connecting carrier.
5. I have read the foregoing Notice of Exemption, and verify that I know the facts stated therein to be true and correct to the best of my knowledge and belief.

By: /s/


Paul Didelius

☒ Dated: September 23, 2025